

UNITED STATES DISTRICT COURT
for the
District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 18-MJ-364 FLN

STEVEN WALTER SMIALEK

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 10, 2018, in Hennepin County, in the State and District of Minnesota, defendant Steven W. Smialek, by force, violence, and intimidation took from the person and presence of a victim teller, United States currency belonging to and in the care, custody, control, management, and possession of the TCF Bank, located in Fridley, Minnesota, the deposits of which were then insured by the FDIC,

in violation of Title 18, United States Code, Section(s) 2113.

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

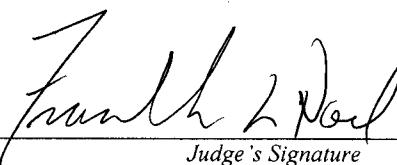
Continued on the attached sheet and made a part hereof: Yes No



Complainant's signature

David T. Walden, Special Agent

Printed name and title



Franklin L. Noel
Judge's Signature

The Honorable Franklin L. Noel
United States Magistrate Judge

Printed Name and Title

Date:

4/30/18 3:00 pm

City and State: Minneapolis, MN

SCANNED
APR 30 2018
U.S. DISTRICT COURT MINN.

18-MJ-364 FLW

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

ss. AFFIDAVIT OF DAVID T. WALDEN

I, David T. Walden, being duly sworn under oath, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and my primary assignment is the investigation of bank robbery matters and other violent crimes. I have been a Special Agent since November 1999.

2. This affidavit is submitted in support of a criminal complaint against STEVEN WALTER SMIALEK on grounds that he committed a violation of Title 18, United States Code, Sections 2113(a) (Bank Robbery). The elements of this offense are as follows: (1) the defendants used force, violence, or intimidation; (2) in taking money belonging to a financial institution; (3) the deposits of that financial institution were then insured by the Federal Deposit Insurance Corporation (FDIC).

3. In connection with my official duties, I participated in the investigation of the March 10, 2018, robbery of the TCF Bank, Fridley, Minnesota, (hereinafter "the bank"). This affidavit is based on my training, experience, personal knowledge and observations made during my investigation; upon my discussions with other law enforcement officers and agents directly involved in this investigation; and, upon my review of official reports submitted in relation to this investigation. This affidavit is made for the purpose of establishing probable cause in support of a complaint and federal arrest warrant and therefore contains only a summary of relevant facts.

4. On or about Saturday, March 10, 2018, at approximately 11:03 a.m., a lone Caucasian male adult (hereinafter "the robber") entered the bank through the west-side lobby doors, waited in line for the next available teller, approached the victim teller, and presented a

demanded note for money. The demand note stated something to the effect that the subject had a gun, advised the victim teller to not act funny, don't set off any alarms and to not provide any trackers (electronic surveillance device, hereinafter "ESD"). The robber received money from the victim teller and departed the bank on foot in a northerly direction.

5. An audit conducted at the bank following the robbery determined the bank suffered a loss of approximately \$3,900. Good digital images of the robber were derived from the bank's digital surveillance security system. At the time of the robbery, the deposits at the bank were federally insured by the FDIC.

6. The robber was further described as a Caucasian male, 50-60 years of age, approximately 5'11" tall, 160 lbs., red facial hair, wearing sunglasses, a brownish knit cap, a large tan coat, tan pants and two-tone shoes.

7. Subsequent to the TCF Bank robbery, an officer with the Blaine Police Department reported to the Fridley Police Department (hereinafter "FPD") that they had a 2017 contact with STEVEN SMIALEK, a previously convicted bank robber. During that 2017 conversation with the Blaine Police officer, SMIALEK mentioned to the officer that he robbed the same TCF Bank, Fridley, in 2008. Upon hearing the description of the robbery suspect from the current 2018 TCF Bank robbery, the officer thought the description of the robber was significantly similar to his memory of SMIALEK, such that he was motivated to communicate SMIALEK's comments regarding the bank to the FPD.

8. Upon receiving the Blaine Police Department information regarding SMIALEK, a FPD officer viewed SMIALEK's DVS photo and reviewed the 2008 case file. During the 2008 robbery, SMIALEK behaved in a similar manner as the subject in the current 2018 bank robbery. In 2008, SMIALEK approached and departed the TCF Bank from the same direction as did the

subject during the March 10, 2018 robbery. In 2008, SMIALEK presented a demand note stating that he had a gun as did the subject in the 2018 robbery. In 2008, SMIALEK was given an ESD secreted inside the stolen loot and was subsequently arrested soon after the robbery. During the current 2018 robbery, the subject's demand note specifically stated to NOT give the robber an ESD.

9. Upon review of the bank robbery surveillance images from the bank's digital security system, both FPD and FBI investigators recognized that the subject in the surveillance images was consistent with SMIALEK's DVS and MRAP (Minnesota Repository of Arrest Photos) photos regarding age, height, weight, body type, facial hair and the size and shape of the nose. SMIALEK's criminal history described him as a white male, 60 years old, 6'00," 168 lbs., with strawberry hair and facial hair. Additionally, SMIALEK's criminal history indicated he was previously convicted of three (3) prior bank robberies in 1980, 1995, and 2008; and remained on federal probation for same.

10. Subsequent to the March 10, 2018 robbery, FPD received a tip from a local business employee. The employee with the business believed the subject responsible for the March 10, 2018 robbery was a former employee named STEVEN SMIALEK. The employee was familiar with SMIALEK and knew he was a previous bank robber. The FPD detective showed the business employee still photos derived from the bank's digital surveillance system and the employee immediately identified the robber as SMIALEK. The employee stated the robber's facial features and posture were an exact match to SMIALEK. The employer also advised that while SMIALEK was employed, the owner of the company gave SMIALEK a vehicle. The vehicle was described as a green 2000 Lincoln Continental sedan with Minnesota license plate number 854UZL and vehicle identification number 1LNHM97V9YY896787. When SMIALEK

finalized his employment with the company in 2017, SMIALEK kept possession of the vehicle. The vehicle has remained registered to SMIALEK. The business employee provided SMIALEK's forwarding address as 4730 Central Ave. NE, Apartment #4, in Columbia Heights.

11. Since that time, FPD detectives have observed the above-described vehicle at that same forwarding address numerous times on numerous different dates. The FPD detectives described the green 2000 Lincoln Continental sedan registered to SMIALEK as unique in appearance with rounded bumpers or "bubble" shaped.

12. Upon learning the make and model of SMIALEK's vehicle, investigators reviewed surveillance video from local businesses in proximity to the bank on the date and approximate time of the bank robbery. While reviewing the digital surveillance video, investigators observed a vehicle that matched SMIALEK's green 2000 Lincoln Continental sedan with the unique rounded bumpers drive into an attached parking lot immediately north of the bank. At approximately 10:59 a.m., the vehicle entered the lot from Central Avenue NE. At approximately 11:00, the vehicle backed into a remote parking space on the western edge of the parking lot, a figure exited the driver side, and walked southbound toward the bank. At approximately 11:06, the figure approached the vehicle from the south, entered the driver side of the vehicle, the vehicle drove off toward Central Avenue NE again and exited the camera's view at 11:07 a.m.

13. On March 26, 2018, an investigating FPD detective conducted a sequential photo line-up with the victim teller of the March 10, 2018, TCF Bank robbery. The sequential photo line-up was administered utilizing a double blind protocol. The victim teller subsequently identified one of the sequential photos as the robber. The person the victim teller pointed out to the investigator was SMIALEK.

14. On April 4, 2018, FPD detectives showed the 2018 TCF Bank robbery video to two (2) Federal Probation Officers (hereinafter "FPO #1 and FPO #2") familiar with SMIALEK. Both FPOs identified SMIALEK as the robber in the video. FPO #1 stated he recognized the robber as SMIALEK due to his facial structure, posture and gait. FPO #2 stated he recognized the robber as SMIALEK due to unique posture when standing with his shoulders slumped forward and head held low. FPO #2 has observed this posture many times while interacting with SMIALEK. Additionally, FPO #2 recognized the jacket worn by the robber as the same jacket worn by SMIALEK during in-person visitations.

15. Based on the above information, I submit there is probable cause to believe that, STEVEN WALTER SMIALEK did knowingly, by force, violence, and intimidation take from the person and presence of a victim teller, United States currency belonging to and in the care, custody, control, management, and possession of the TCF Bank, located in Fridley, Minnesota, the deposits of which were then insured by the FDIC, in violation of Title 18, United States Code, Section 2113 (a).

Further your Affiant sayeth not.



David T. Walden
Special Agent, Federal Bureau of Investigation

SUBSCRIBED and SWORN to before
me this 30th day of April, 2018.



The Honorable Franklin L. Noel
United States Magistrate Judge